

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

HOUSING IS A HUMAN RIGHT
ORANGE COUNTY; EMERGENCY
SHELTER COALITION; DUANE
NICHOLS; and DARREN JAMES,

Plaintiffs,

v.

THE COUNTY OF ORANGE; THE
CITY OF SAN CLEMENTE; and DOES
1-4,

Defendants.

Case No. SACV 19-388 PA (JDEx)

JUDGMENT OF DISMISSAL

On August 12, 2019, the Court issued a Minute Order granting a Motion to Dismiss the First Amended Complaint. In that Minute Order, the Court dropped certain defendants for misjoinder pursuant to Federal Rule of Civil Procedure 21, declined to exercise supplemental jurisdiction over certain state law claims, and provided plaintiffs with leave to amend their remaining claims.

Plaintiffs filed their Second Amended Complaint, to which defendants County of Orange and City of San Clemente (collectively "Defendants") filed Motions to Dismiss. On October 28, 2019, the Court issued a Minute Order granting the Defendants' Motions to Dismiss. Pursuant to the Court's October 28, 2019 Minute Order, The Court dismissed


1 without leave to amend the claims of Housing is a Human Right Orange County
2 (“HHROC”) and Emergency Shelter Coalition (“ESC”) for lack of standing. The Court also
3 dismissed all of the state law claims, and the claims of Orange County Catholic Worker
4 (“OCCW”) and Bruce Stroebel without leave to amend and without prejudice. The Court
5 struck the Second Amended Complaint’s unauthorized addition to Darren James’ claim for
6 violations of the Fifth and Fourteenth Amendments and the Second Amended Complaint’s
7 unauthorized claim for violations of the Fourth and Fourteenth Amendments, and otherwise
8 dismissed without leave to amend the Second Amended Complaint’s remaining federal
9 claims without leave to amend.

10 The Court’s October 28, 2019 Minute Order provided plaintiffs with an opportunity
11 to file a Motion for Leave to Amend to attempt to plead the unauthorized claims contained
12 in the Second Amended Complaint. Specifically, the Court ordered that any Motion for
13 Leave to Amend must be filed by no later than November 18, 2019. The Court warned that
14 after November 18, 2019, if plaintiffs did not file a Motion for Leave to Amend, the Court
15 would, without further warning, issue a Judgment dismissing this action. Plaintiffs did not
16 file a Motion for Leave to Amend by the deadline.

17 For all of these reasons, and pursuant to the Court’s August 12, 2019, and October
18 28, 2019 Minute Orders, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

- 19 1. Plaintiffs’ state law claims, and the claims of HHROC, ESC, OCCW, and
20 Bruce Stroebel are dismissed without prejudice;
- 21 2. All of the federal claims that Duane Nichols and Darren James asserted in this
22 action against County of Orange and City of San Clemente are dismissed with
23 prejudice; and
- 24 3. Defendants shall have their costs of suit.

25 DATED: November 19, 2019

26 
27 _____
28 Percy Anderson
UNITED STATES DISTRICT JUDGE